

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE

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**TWENTY-SIXTH LEGISLATIVE DAY**  
**FRIDAY, FEBRUARY 4, 2005**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Davis, Lodge, Noble, and Pearce, absent and formally excused by the Chair; and Senator Burkett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Nicole Polatis, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 4, 2005

The JUDICIARY AND RULES Committee reports that **S 1085**, **S 1086**, **S 1087**, **S 1088**, **S 1089**, **S 1090**, **SCR 104**, and **SCR 105** have been correctly printed.

DARRINGTON, Chairman

**S 1085** was referred to the State Affairs Committee.

**S 1086** and **S 1088** were referred to the Judiciary and Rules Committee.

**S 1087**, **S 1089**, and **S 1090** were referred to the Health and Welfare Committee.

**SCR 104** and **SCR 105** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 4, 2005

The JUDICIARY AND RULES Committee reports that **S 1026** and **S 1029** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1026** and **S 1029** and ordered them transmitted to the House for the signature of the Speaker.

February 3, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1024** and **S 1025** were delivered to the Office of the Governor at 3 p.m., February 3, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 3, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 12**, **H 13**, and **H 15** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 12**, **H 13**, and **H 15** were filed for second reading.

February 3, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1030**, **H 2**, and **H 3** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1030**, **H 2**, and **H 3** were filed for second reading.

February 4, 2005

The STATE AFFAIRS Committee reports out **S 1074** and **S 1076** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1074** and **S 1076** were referred to the Fourteenth Order of Business, General Calendar.

Senator Burkett was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 3, 2005

Mr. President:

I transmit herewith **H 11**, **H 14**, **H 25**, and **H 21** which have passed the House.

JUKER, Chief Clerk

**H 11**, **H 14**, **H 25**, and **H 21** were filed for first reading.

February 3, 2005

Mr. President:

I transmit herewith Enrolled **H 4** and **H 9** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 4** and **H 9** and ordered them returned to the House.

February 3, 2005

Mr. President:

I return herewith Enrolled **S 1027** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1027** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Stegner, granted by unanimous consent, **SCR 101**, **HCR 5**, and the Health and Welfare Committee report relative to the Gubernatorial appointment of Lawrence Lafrenz retained their place on the calendar.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of R. D. Maynard and Gary Smith was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Stegner, the Gubernatorial appointment of R. D. Maynard as a member of the Idaho Industrial Commission was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of Gary Smith as Director of the Department of Insurance was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of C. Kelly Pearce was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Werk, the Gubernatorial appointment of C. Kelly Pearce as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 3** was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Kelly, that **HCR 3** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 31.

NAYS--None.

Absent and excused--Davis, Lodge, Noble, Pearce. Total - 4.

Total - 35.

Whereupon the President declared **HCR 3** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 4** was before the Senate for final consideration.

Moved by Senator Sweet, seconded by Senator Kelly, that **HCR 4** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 31.

NAYS--None.

Absent and excused--Davis, Lodge, Noble, Pearce. Total - 4.

Total - 35.

Whereupon the President declared **HCR 4** adopted, title was approved, and the resolution ordered returned to the House.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Toni Hardesty was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Compton, the Gubernatorial appointment of Toni Hardesty as Director of the Department of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1091**

**BY TRANSPORTATION COMMITTEE**

**AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-416C, IDAHO CODE, TO ESTABLISH A SCIENCE AND TECHNOLOGY SPECIAL LICENSE PLATE PROGRAM; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4725, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A SCIENCE AND TECHNOLOGY FUND; AND PROVIDING AN EFFECTIVE DATE.

**S 1092**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO WORKER'S COMPENSATION PROCEDURES; AMENDING SECTION 72-432, IDAHO CODE, TO SPECIFY LIMITATIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-706, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO A CLAIMANT'S RIGHT TO MEDICAL BENEFITS.

**S 1093**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO WORKER'S COMPENSATION BENEFITS; AMENDING SECTION 72-424, IDAHO CODE, TO PROVIDE THAT EVALUATIONS OF PERMANENT IMPAIRMENT SHALL ONLY BE MADE BY A QUALIFIED PHYSICIAN.

**S 1094**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO SCHOLARSHIPS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-4316, 33-4317, 33-4318, 33-4319, 33-4320, 33-4321, 33-4322, 33-4323, 33-4324, 33-4325 AND 33-4326, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE PURPOSES OF THE ACT, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE ELIGIBILITY, MAXIMUM AMOUNTS AND CONDITIONS FOR AN IDAHO HEALTH SCIENCES SCHOLARSHIP, TO PROVIDE FOR THE MAXIMUM NUMBER OF SCHOLARSHIPS IN ANY GIVEN FISCAL YEAR, TO PROVIDE FOR INELIGIBILITY UPON DISCONTINUED ATTENDANCE OR CHANGE OF MAJOR, TO PROHIBIT DISCRIMINATION IN AWARDED SCHOLARSHIPS, TO PROVIDE DUTIES OF ELIGIBLE POSTSECONDARY INSTITUTIONS, TO DESIGNATE THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AS THE ADMINISTRATIVE AGENCY AND TO PROVIDE DUTIES OF THE BOARD.

**S 1091, S 1092, S 1093, and S 1094** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 11, H 14, and H 25**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 21**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1023**, by Goedde, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1009** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 31.

NAYS--None.

Absent and excused--Davis, Lodge, Noble, Pearce.  
Total - 4.

Total - 35.

Whereupon the President declared **S 1009** passed, title was approved, and the bill ordered transmitted to the House.

**S 1010** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 31.

NAYS--None.

Absent and excused--Davis, Lodge, Noble, Pearce.  
Total - 4.

Total - 35.

Whereupon the President declared **S 1010** passed, title was approved, and the bill ordered transmitted to the House.

**S 1011** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 31.

NAYS--None.

Absent and excused--Davis, Lodge, Noble, Pearce.  
Total - 4.

Total - 35.

Whereupon the President declared **S 1011** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Monday, February 7, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary